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09/602,278	06/23/2000	Jose R. Brunheroto	BC999047/1455p	9149

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EXAMINER
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SALTARELLI, DOMINIC D

ART UNIT	PAPER NUMBER
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2611

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/602,278  
Filing Date: June 23, 2000  
Appellant(s): BRUNHEROTO ET AL.

**MAILED**

**JUN 15 2005**

**Technology Center 2600**

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Brunheroto et al.  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed March 28, 2005.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendment***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Claimed Subject Matter***

The summary of claimed subject matter contained in the brief is correct.

**(6) *Grounds of Rejection to be Reviewed on Appeal***

The appellant's statement of the grounds of rejection to be reviewed on appeal in the brief is correct.

**(7) *Claims Appealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) *Prior Art of Record***

5,319,453	Copriviza et al.	6-1994
5,826,165	Echeita et al.	10-1998
6,597,405	Iggulden	7-2003

6,570,996	Linnartz	5-2003
6,173,271	Goodman et al.	1-2001
5,574,495	Caporizzo	11-1996

**(9) Grounds of Rejection**

The following grounds of rejection are applicable to the appealed claims:

Claims 2, 12-16, 19-24, and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Copriviza et al. in view of Echeita et al. and Iggulden. This rejection is set forth in a prior Office Action, mailed on June 7, 2004.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Copriviza et al., Echeita et al., and Iggulden, and further in view of Linnartz. This rejection is set forth in a prior Office Action, mailed on June 7, 2004.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Copriviza et al., Echeita et al., and Iggulden, and further in view of Caporizzo. This rejection is set forth in a prior Office Action, mailed on June 7, 2004.

Claims 4-11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Copriviza et al., Echeita et al., and Iggulden, and further in view of Goodman. This rejection is set forth in a prior Office Action, mailed on June 7, 2004.

**(10) Response to Arguments**

A. Rejection under 35 U.S.C 103(a) over Copriviza in view of Echeita and further in view of Iggulden.

First, applicant argues that Iggulden fails to teach, show, or suggest that a hashing algorithm is utilized to produce the signature for each frame in the digital video material during encoding of the digital video material (applicant's appeal brief, page 8, lines 5-8 and lines 17-22).

In response to applicant's arguments against the Iggulden reference individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, it is Copriviza who teaches producing a signature for each frame in video material during encoding, and Iggulden who teaches the nature of the signature used to identify video frames is a hash code, thus it is the combination of Copriviza and Iggulden which teaches utilizing a hash code to produce a signature for each frame in the video during encoding.

Second, applicant argues that Iggulden does not teach or suggest that a hash code signature is needed for digital television signals (applicant's appeal brief, page 9, lines 1-4).

In response, as described on page 17, lines 5-13 of the office action mailed on June 7, 2004, a digital signature based on selected bits within digital frames is precisely what a digital hash code is.

Lastly, applicant argues that Copriviza relies exclusively on a sequential numbering sequence (applicant's appeal brief, page 9 last paragraph through the end of page 10), arguing that the system of Copriviza would be fundamentally altered if the signatures were generated using a hashing function (applicant's appeal brief, page 10, lines 5-8) and that Copriviza teaches using only a sequential numbering system (applicant's appeal brief, page 10, second paragraph).

In response, examiner restates that Copriviza clearly and explicitly states, on column 8, lines 29-35 "...and having a second portion that varies in a predetermined unique and non-repeating sequence which varies from frame to frame or field to field along the entire length of the tape, thereby numbering or otherwise individually and uniquely identifying each and every frame of the video program material desired to be detected and monitored". Copriviza's disclosure states outright that a sequential numbering sequence is simply a way of generating signatures, and the only functional requirement of the signatures is that they uniquely identify each frame of the video program material. Copriviza's disclosure is not limited to numerical sequencing and is open to any form of signature that uniquely identifies frames.

B. Rejection under 35 U.S.C. 103(a) over Copriviza in view of Echeita and Igullden and further in view of Linnartz.

Applicant restates the arguments presented above in A.

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C. Rejection under 35 U.S.C. 103(a) over Copriviza in view of Echeita and Iggulden and further in view of Goodman.

Applicant restates the arguments presented above in A.

D. Rejection under 35 U.S.C. 103(a) over Copriviza in view of Echeita and Iggulden and further in view of Caporizzo.

Applicant restates the arguments presented above in A.

E. Rejection under 35 U.S.C. 103(a) over Copriviza in view of Echeita and Iggulden and further in view of Goodman.

Applicant restates the arguments presented above in A.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

Dominic Saltarelli  
Patent Examiner  
Art Unit 2611

June 13, 2005

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